MYSORE ACT No. XXIX OF 1944.

THE MYSORE FACTORIES (CONTROL OF DISMANTLING) ACT, 1944.

(*Received the assent of His Highness the Maharaja on the 10th day of August* 1944.)

An Act to control the dismantling of factories.

WHEREAS it is expedient to control the dismantling of factories ;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Factories (Control of Dismantling) Act, 1944.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) 'to dismantle' a factory means to remove from the position the machinery or part of the machinery of the factory, where by such removal the factory is rendered wholly or partly useless for its purpose ; but does not include any temporary removal of the machinery or part of the machinery for purposes such as adjustment, cleaning and repairs ;

(*b*) 'factory' means a factory as defined in clause (*i*) of section 2 of the Mysore Factories Act, 1936 (I of 1936) but includes also any premises which were at any time after the commencement of this Act a factory as so defined ;

(*c*) 'machinery' has the meaning assigned to that word in clause (*k*) of section 2 of the Mysore Factories Act, 1936 (I of 1936).

Dismantling a factory.

3. (1) No person shall, without the written permission of the Government or of an officer authorised in this behalf

1. See the Mysore Adaptation of Laws Order, 1953.

by the Government, dismantle any factory or remove from a factory any spare parts kept for maintaining the machinery of the factory in order.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with imprisonment which may extend to two years or with fine or with both.

Offences by corporations.

4. If the person contravenes any of the provisions of sub-section (1) of section 3 is a company or other corporate body, every director, manager or secretary or other officer or agent thereof, shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Powers of entry, examination, taking evidence, etc.

5. (1) Subject to any rules made by the Government, any officer authorised in this behalf by the Government, may, if he has reason to believe that any person has contravened any of the provisions of sub-section (1) of section 3 within the local limits for which he is authorised—

(*a*) enter with such assistants (if any), being persons in the service of the Government as he thinks fit, any place ;

(*b*) make such examination of the place and of any machinery, books or documents therein and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act ; and

(*c*) exercise such other powers as may be necessary for carrying out the purposes of this Act :

Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself.

(2) Whoever wilfully obstructs an officer authorised under sub-section (1) in the exercise of any power conferred by that sub-section, or fails to produce on demand any book or document in his custody or to comply with any demand for information, or knowingly or recklessly makes to such officer a statement false in a material particular shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

Cognizance of offences.

6. No prosecution of an offence under this Act, shall be instituted except by or with the previous sanction of the Government or the officer authorised by the Government for the purposes of sub-section (1) of section 3.

Bar of legal proceedings.

7. No suit, prosecution, or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Power to make rules.

8. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide—

(*a*) for the procedure for the grant of the permission referred to in sub-section (1) of section 3 ;

(*b*) for an appeal against a refusal to grant the permission referred to in sub-section (1) of section 3 when such hefusal is by an officer authorised in pursuance of that section ; and

(*c*) for regulating the manner in which officers authorised under sub-section (1) of section 5 shall exercise their powers.

Repeal and savings.

9. The Mysore Factories (Control of Dismantling) (Emergency) Act, 1944 (XIII of 1944), is hereby repealed. But any rules made, anything done, and any action taken in exercise of any power conferred by or under the said Emergency Act shall be deemed to have been made, done or taken, in exercise of powers conferred by or under this Act, as if this Act had commenced on the 21st day of March 1944.